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**Deputy Involved Hit-Shooting Inquiry - Suspect Deceased**
**IAB #SH2229364**

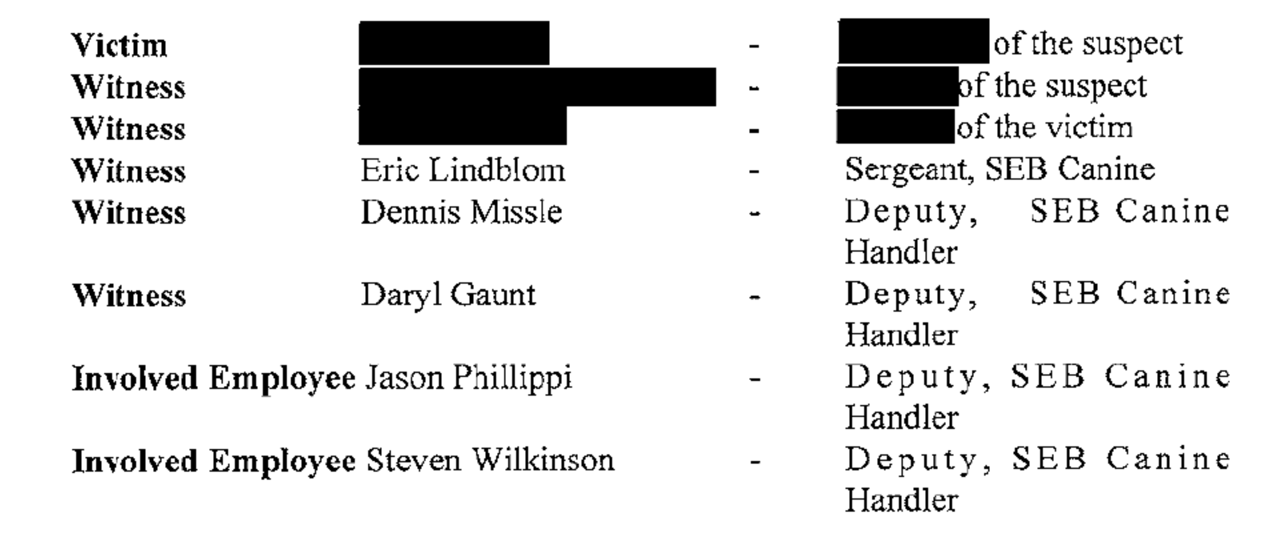

**Involved Employee Photos and Information**

| | | | |
|---|---|---|---|
| Jason Phillippi | #[redacted] | - | Deputy Sheriff, SEB Canine |
| Steven Wilkinson | #[redacted] | - | Deputy Sheriff, SEB Canine |

**Investigative Inquiry**

Office Involved Shooting Form
Investigative Inquiry

**Statements**


| | | | |
|---|---|---|---|
| **Victim** | [redacted] | - | [redacted] of the suspect |
| **Witness** | [redacted] | - | [redacted] of the suspect |
| **Witness** | [redacted] | - | [redacted] of the victim |
| **Witness** | Eric Lindblom | - | Sergeant, SEB Canine |
| **Witness** | Dennis Missle | - | Deputy, SEB Canine Handler |
| **Witness** | Daryl Gaunt | - | Deputy, SEB Canine Handler |
| **Involved Employee** | Jason Phillippi | - | Deputy, SEB Canine Handler |
| **Involved Employee** | Steven Wilkinson | - | Deputy, SEB Canine Handler |

**Exhibits**

EXHIBIT A - Copy of the Homicide Bureau investigative packet.

EXHIBIT B - CD of interviews by Homicide Bureau.

EXHIBIT C - (7) Digital photos of Suspect Joshua Stephenson (deceased) and (2) digital photos of Deputy Jason Phillippi's injuries, taken by SEB Canine Sergeant Eric Lindblom.

EXHIBIT D - Street map and Aerial photo of the stabbing and shooting locations from Mapquest.com and GoogleEarth.com.

EXHIBIT E - Deputy District Attorney Natalie Adomian's Letter of Opinion, dated June 4, 2009; and Chief Willie Miller's cover memorandum, dated June 22, 2009, regarding Deputy District Attorney Natalie Adomian's Letter of Opinion.

**Miscellaneous Documents**




# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

June 4, 2009

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, CA 90040

RE: J.S.I.D. File No. 08-0643
L.A.S.D File No. 008-14387-0532-013

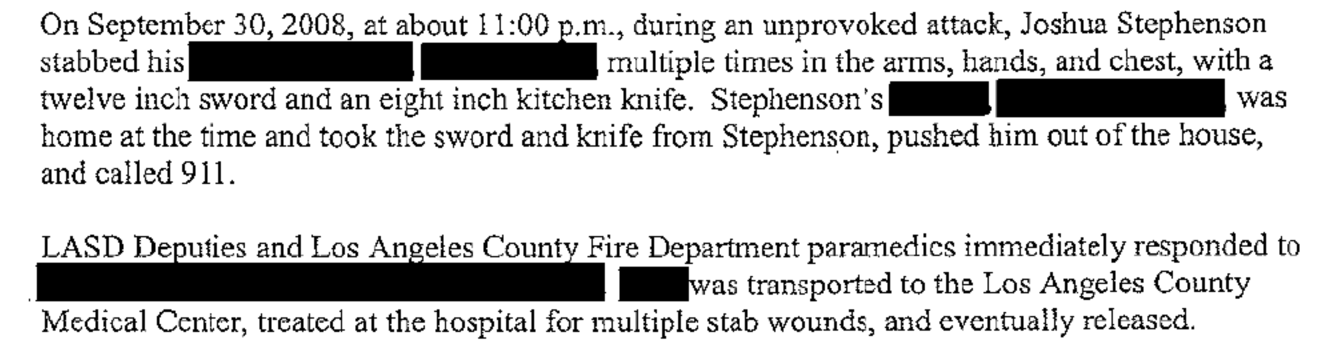
Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 30, 2008, fatal shooting of Joshua Stephenson. We have concluded that Los Angeles County Sheriff's Department (LASD) Deputies Jason Phillippi and Steve Wilkinson acted lawfully in self defense and defense of another.

The following analysis is based on the reports and photographs submitted to our office on February 23, 2009, by Detectives Richard Biddle and Barry Hall from the Homicide Bureau of the Los Angeles County Sheriff's Department. The District Attorney's Command Center was notified of this incident at 1:20 a.m., on October 1, 2008. The Deputy District Attorney Response Team, comprised of Deputy District Attorney Natalie Adomian and District Attorney Senior Investigator [redacted] was notified by the Command Center and responded immediately to the scene. They were given a briefing of the circumstances surrounding the incident and walk-through of the scene. Compelled statements were not considered as part of this analysis.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

## FACTUAL ANALYSIS



On September 30, 2008, at about 11:00 p.m., during an unprovoked attack, Joshua Stephenson stabbed his [redacted] multiple times in the arms, hands, and chest, with a twelve inch sword and an eight inch kitchen knife. Stephenson's [redacted] was home at the time and took the sword and knife from Stephenson, pushed him out of the house, and called 911.

LASD Deputies and Los Angeles County Fire Department paramedics immediately responded to [redacted] was transported to the Los Angeles County Medical Center, treated at the hospital for multiple stab wounds, and eventually released.

Responding deputies saw Stephenson jump a wall of his building complex. A containment was set up. Deputies Jason Phillippi and Deputy Wilkinson, along with other assisting deputies and a K-9, entered a nearby vacant home under construction looking for Stephenson. As deputies were ascending the staircase to the second floor, Stephenson screamed as he burst through the bathroom door with a three foot metal land surveyor's stake raised over his head. He moved towards Deputy Phillippi. Deputy Phillippi, fearing for his life, fired his handgun multiple times at Stephenson. Deputy Wilkinson, in an attempt to protect Deputy Phillippi, also fired at Stephenson. Stephenson finished his swing and struck Deputy Phillippi's left elbow, which he had raised to protect his head. Deputy Phillippi was knocked backwards and fell down the stairs. Stephenson was pronounced dead at the scene. Phillippi was transported to the hospital for treatment and later released.

An autopsy performed by coroner Juan M. Carrillo, M.D., concluded that Stephenson had four fatal gunshot wounds to his chest and abdomen and three non-fatal wounds to his shoulder, legs and thigh.

## CONCLUSION

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary, to prevent the injury which appears to be imminent. California Criminal Jury Instruction 3470. A police officer's use of deadly force is reasonable if the officer has probable cause to believe that the suspect posses a significant threat of death or serious physical injury to the officer or others. Tennessee v. Garner (1985) 471 U.S. 1, 3.

"In calculating whether the amount of force was excessive, a trier of fact must recognize that peace officers are often forced to make split-second judgments, in tense circumstances, concerning the amount of force required." Edison v. City of Anaheim (1998) 63 Cal. App. 4th 1269.

The evidence examined in this investigation shows that Joshua Stephenson stabbed his [redacted] multiple times with a knife and sword. He then fled on foot into a vacant home under construction. He advanced towards Deputy Phillippi with a metal stake raised above his head in a threatening manner and swung it at Deputy Phillippi. In response, Deputies Phillippi and Wilkinson, in fear for Phillippi's life, responded with deadly force. We find Deputies Phillippi and Wilkinson acted in lawful self-defense and defense of another. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

NATALIE ADOMIAN
Deputy District Attorney
(213) 974-3880

c: Deputy Jason Phillippi #[redacted]
Deputy Steve Wilkinson #[redacted]